

REMARKS

This paper is in response to the Office Action mailed on January 30, 2008.

No claims amended, no additional claims are cancelled, and no new claims are added. As a result, claims 1-19, 21-27, and 29-30 are now pending in this application.

Claims 1-4, 6-8, 10, 11, 13, 15-18, and 24-27 are allowed.

Claims 5, 9, 12, 14, 19, 21-23, 29, and 30 are rejected.

§102 Rejection of the Claims:

Rejection of Claim 12:

Claim 12 was rejected under 35 USC § 102(e) as being anticipated by Wood (U.S. Patent Application Publications 2003/0044656 [U.S. Serial No. 09/941,247] and 2006/0040152 [U.S. Serial No. 09/247,435]). The Office Action asserts that the subject matter of claim 12 is not supported by the references and is not accorded a filing date of 02/19/03. In particular, the references do not teach B₁₀H₁₄ and lithium borohydride.

The Office Action notes that the applied references have a common inventor with this application and indicates that this rejection can be overcome by a showing under 35 U.S.C. 1.132 that any invention disclosed but not claimed in the references was derived from the inventor of this application and is thus not the invention by another.

Applicants have herewith submitted a **Declaration under Rule 1.132** by Thomas M. Rezachek declaring that the subject matter of claim 12 was derived from Roland A. Wood, the sole inventor of U.S. Patent Application Publications 2003/0044656 and 2006/0040152 and is thus, not an invention by another. In view of this Declaration, Applicants respectfully request that the obviousness rejection of claims 14, 19, 21, 22, and 23 be withdrawn.

§103 Rejection of the Claims

Rejection of Claims 14, 19, 21, 22 and 23:

Claims 14, 19, 21, 22 and 23 were rejected under 35 USC § 103(a) as being unpatentable over Wood (U.S. Patent Application Publications 2003/0044656 and 2006/0040152).

The Office Action notes that the applied references have a common inventor with this application and indicates that this rejection can be overcome by a showing under 35 U.S.C. 1.132 that any invention disclosed but not claimed in the references was derived from the inventor of this application and is thus not the invention by another.

Applicants have herewith submitted a **Declaration under Rule 1.132** by Thomas M. Rezachek declaring that the subject matter of claims 14, 19, 21, 22, and 23 were derived from Roland A. Wood, the sole inventor of U.S. Patent Application Publications 2003/0044656 and 2006/0040152 and are thus, not an invention by another. In view of this Declaration, Applicants respectfully request that the obviousness rejection of claims 14, 19, 21, 22, and 23 be withdrawn.

In addition, with regard to claims 14, 19, 21 and 23, the Office Action notes that the rejection might also be overcome by a showing that the references are disqualified under 35 U.S.C. 103(c). Wood '152 was published February 23, 2006 as U.S. Patent Application Publication 2006/0040152 and filed October 11, 2005 as U.S. Serial No. 11/247,435). It was a divisional application of U.S. Serial No. 09/941,247 filed August 28, 2001 and published March 3, 2003 as U.S. Patent Application Publication 2003/0044656. Honeywell International owns the entire right, title, and interest of these applications by nature of the assignments executed and filed for both of these applications. The assignment for U.S. Serial No. 09/941/247 was recorded on August 28, 2001, on Reel 012146, Frame 0413, with the United States Patent and Trademark Office. U.S. Serial No. 11/247,435 is a divisional of U.S. Patent Application No. 09/941,247 and thus did not require a new assignment. The Assignment for the present application, U.S. Serial No. 10/780,827 was recorded on February 18, 2004, on Reel 015034, Frame 0950, with the United States Patent and Trademark Office.

The undersigned attorney states that Honeywell International owned the subject matter of Wood '152, Wood '656, and the present application at the time the invention of the present application was made. This statement is made pursuant to M.P.E.P. §706.06(I)(2)(II). Therefore, Wood '152 is precluded from application as prior art against the present application pursuant to 35 U.S.C. §103(c). Applicants respectfully submit that for this additional reason the obviousness rejection of claims 14, 19, 21, and 23 be withdrawn.

Rejection of Claims 5 and 9:

Claims 5 and 9 were rejected under 35 USC § 103(a) as being unpatentable over Wood (U.S. Patent Application Publications 2003/0044656 [U.S. Serial No. 09/941,247] and 2006/0040152 [U.S. Serial No. 09/247,435]) in view of (WO 01/85606).

The Office Action notes that the applied references have a common inventor with this application and indicates that this rejection can be overcome by a showing under 35 U.S.C. 1.132 that any invention disclosed but not claimed in the references was derived from the inventor of this application and is thus not the invention by another.

Applicants have herewith submitted a **Declaration under Rule 1.132** by Thomas M. Rezachek declaring that the subject matter of claims 5 and 9 were derived from Roland A. Wood, the sole inventor of U.S. Patent Application Publications 2003/0044656 and 2006/0040152 and are thus, not an invention by another. In view of this Declaration, Applicants respectfully request that the obviousness rejection of claims 5 and 9 be withdrawn.

Rejection of Claims 29 and 30:

Claims 29 and 30 were rejected under 35 USC § 103(a) as being unpatentable over Wood (U.S. Patent Application Publications 2003/0044656 [U.S. Serial No. 09/941,247] and 2006/0040152 [U.S. Serial No. 09/247,435]) in view of Bostaph et al. (U.S. Patent Application Publication 2002/0076589).

The Office Action notes that the applied references have a common inventor with this application and indicates that this rejection can be overcome by a showing under 35 U.S.C. 1.132 that any invention disclosed but not claimed in the references was derived from the inventor of this application and is thus not the invention by another.

Applicants have herewith submitted a **Declaration under Rule 1.132** by Thomas M. Rezachek declaring that the subject matter of claims 29 and 30 were derived from Roland A. Wood, the sole inventor of U.S. Patent Application Publications 2003/0044656 and 2006/0040152 and are thus, not an invention by another. In view of this Declaration, Applicants respectfully request that the obviousness rejection of claims 29 and 30 be withdrawn.

In addition, with regard to claims 29 and 30, the Office Action notes that the rejection might also be overcome by a showing that the references are disqualified under 35 U.S.C. 103(c). Wood '152 was published February 23, 2006 as U.S. Patent Application Publication 2006/0040152 and filed October 11, 2005 as U.S. Serial No. 11/247,435). It was a divisional application of U.S. Serial No. 09/941,247 filed August 28, 2001 and published March 3, 2003 as U.S. Patent Application Publication 2003/0044656. Honeywell International owns the entire right, title, and interest of these applications by nature of the assignments executed and filed for both of these applications. The assignment for U.S. Serial No. 09/941/247 was recorded on August 28, 2001, on Reel 012146, Frame 0413, with the United States Patent and Trademark Office. U.S. Serial No. 11/247,435 is a divisional of U.S. Patent Application No. 09/941,247 and thus did not require a new assignment. The Assignment for the present application, U.S. Serial No. 10/780,827 was recorded on February 18, 2004, on Reel 015034, Frame 0950, with the United States Patent and Trademark Office.

The undersigned attorney states that Honeywell International owned the subject matter of Wood '152, Wood '656, and the present application at the time the invention of the present application was made. This statement is made pursuant to M.P.E.P §706.06(I)(2)(II). Therefore, Wood '152 and Wood '656 are precluded from application as prior art against the present application pursuant to 35 U.S.C. §103(c). Applicants respectfully submit that for this additional reason the obviousness rejection of claims 29 and 30 be withdrawn.

CONCLUSION

Applicant respectfully submits that all pending claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6961 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date April 7, 2008

By Louis M. Leichter
Louis M. Leichter
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 7 day of April, 2008.

Louis M. Leichter
Name

Louis M. Leichter
Signature